

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7175 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

M S RANA

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Appearance:

MR HS MUNSHAW for Petitioner

MR JIGAR P RAVAL & G.K.Rathod for Respondent

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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 09/12/1999

#### ORAL JUDGEMENT

Heard the learned counsels for the respective parties. In departmental inquiry, the respondent workman who was employed as a Cashier was found guilty of misappropriating an amount of Rs.70/-, and was awarded punishment of dismissal. The defence of the respondent workman was that there was only a shortage of cash. The second appellate authority set aside the punishment of dismissal but awarded the punishment of reduction of five stages in pay. The Tribunal has held that the Corporation

has failed to prove the charge of misappropriation and that it was a case of negligence and has set aside the punishment of reduction of five stages in the pay.

2. Having heard submissions made by the learned counsel for the respective parties, I am of the opinion that some punishment is called for even if it was a case of negligence. In the circumstances, ends of justice would be met, if the punishment of reduction of two stages is awarded. The award of the Tribunal shall stand modified accordingly. The Corporation shall comply with the other part of the award within two months from today. Rule made absolute to the aforesaid extent. No order as to costs.

Date: 9/12/1999. -----  
(ccshah)